IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 6528 of 2004

B B Dangat and ors....Petitioners

vs

State of Mah and ors.. Respondents

Mr G S.B.Deshmukh for A V Anturkar for petitioners

Mr.V.P.Malvankar AGP for State

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated 3.ll.2004

P.C:

l. The petitioners are residents of village Shivane which is on the bank of river Mula. In l96l Panshet Dam burst, as a result of which several villages situated on the banks of river Mula were affected. In order to rehabilitate the persons falling on the flood line the State Government acquired land at Kothrud in l978 but no allotment was made to any affected persons.

2. The residents of village Shivane who were l27 in number filed a writ petition being Writ Petition No. 4437 of l993. By order dated l.3.l994 the Division Bench directed that a committee may be appointed for ascertaining the exact number of persons affected and suggest measures for their

rehailitation. The committee carried survey and it was found in the survey that in all 70 families were falling within the flood line and, therefore, a recommendation was made to shift these 70 families to the land acquired by the State Government at Kothrud in Pune. The said writ petition was disposed of whereby the State Government was directed to allot plots to the 70 affected families from the acquired land at Kothrud. Pursuant to that order the affected persons have been rehabilitated.

3. Nearly l0 years after rehabilitation work was carried out the present petition is filed by the villagers of Shivane seeking allotment of plot on the ground that the committee had not fixed flood line properly and the flood line ought to have been filed on the basis of the position as prevailing on l3.7.l96l.

4. We have heard the learned counsel for the parties. We do not find any substance in this petition. The committee has carried survey and ascertained the number of affected families and these families have been duly shifted to the land at Kothrud. The present petitioners do not fall within the flood line and, therefore, they are not

entitled for allotment of land under the aforesaid scheme. Therefore, in our opinion, this is not a fit case for exercise of jurisdiction under Art 226 of the Constitution. Petition is accordingly dismissed.